

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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OSIRIS MOSLEY,

Plaintiff,

-v-

DANNY CAMPBELL,

Defendant.  
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19-cv-10722 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Before the Court is Defendant's letter motion, dated November 30, 2020, making four requests of the Court. Dkt. No. 34. Defendant asks the Court: (1) to order Plaintiff to respond to Defendant's First Set of Interrogatories and Request for Production of Documents; (2) to deem any objections thereto waived; (3) to order Plaintiff to provide Defendant with an updated executed NY Crim. Pro. L. § 160.50 unsealing release; and (4) to grant a 90-day extension of the fact discovery deadline. Defendant's letter indicates that Plaintiff has consented to the extension of discovery deadlines, but Plaintiff has not otherwise responded to Defendant's letter. For the following reasons, Defendant's requests are granted.

Defendant provides documentation showing that Plaintiff has failed to respond to interrogatories and document requests served upon Plaintiff on August 19, 2020. The responses to these requests are now over 100 days overdue. Defendant has received no response, nor any communication from Plaintiff indicating why his discovery responses remain outstanding. Dkt. No. 34 at 1-2. Nor has Plaintiff made any communication to the Court objecting to the requests, asking for an extension, or otherwise explaining why he has not responded. Therefore, the Court orders Plaintiff to respond to Defendant's Interrogatories and Request for Production of Documents by December 22, 2020, and holds that any objection to the requests has been waived.

Defendant also indicates that Plaintiff has failed to provide Defendant with an up-to-date NYCPL § 160.50 release, which is required for Defendant to procure Plaintiff's criminal court file. *Id.* at 2. Plaintiff provided a release, but the New York Criminal Court rejected it because the notarization was out of date. *Id.* Plaintiff has refused to provide a release with a current notarization despite repeated requests from Defendant. *Id.* On November 9, 2020, Defendant sent Plaintiff a deficiency letter requesting that Plaintiff return the release by November 23, 2020, or Defendant would seek judicial intervention. Accordingly, Plaintiff is ordered to produce an executed NYCPL § 160.50 release to Defendant or face discovery sanctions.

Finally, Defendant requests a 90-day extension of the discovery deadlines. The many

delays of which Defendant complains are sufficient to establish the good cause necessary for such an extension. *See Furry Puppet Studio Inc. v. Fall Out Boy*, 2020 WL 4978080, at \*1 (S.D.N.Y. Feb. 23, 2020). The deadline for fact discovery is extended to March 3, 2021.

For the foregoing reasons, Defendant's requests are GRANTED. Defendant is directed to submit a revised case management plan reflecting the discovery extension.

SO ORDERED.

Dated: December 7, 2020  
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN  
United States District Judge